

REMARKS

The present invention is directed to a method for discharging current from a gas diffusion electrode.

In the Office Action dated October 2, 2007, claims 1 - 5 were rejected. First, claims 1 and 5 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,841,047 (Gestermann). In this regard, the Examiner cited claims 1 - 8, and column 2, lines 1 - 65 of Gestermann. Claim 2 was rejected under 35 U.S.C. § 103(a) based on Gestermann further in view of U.S. 2005/0173257 (Bulan). Furthermore, claims 3 and 4 were rejected under 35 U.S.C. § 103(a) based on Gesterman further in view of U.S. Patent 6,488,833 (Sakata '833).

Still further, claim 1 was rejected for obviousness-type double patenting based on claim 8 of U.S. Patent 6,383,349 (Sakata '349), and claim 1 was also rejected for obviousness-type double patenting based on claims 10 - 18 of U.S. Patent 6,372,102 (Sakata '102) in view of Gestermann.

All of the foregoing rejections are seen to rely on the Gestermann reference, including the Examiner's apparent impression that Gestermann discloses discharging current from the gas diffusion electrode by an electric connecting element to a wall surface of a gas chamber by an electric connecting element in partial contact with the gas diffusion electrode, as is required in accordance with the presently claimed invention.

However, Applicant respectfully submits that the Gestermann reference does not actually include disclosure of a method for discharging current of a gas diffusion electrode by electrically connecting the gas diffusion electrode to a wall surface of the gas chamber having conductivity in the electroetic unit cell through an electric connecting element in partial contact with the gas diffusion electrode.

In the Gestermann patent reference (U.S. Patent 6,841,047), as shown in Fig. 1, helical springs 18 and connecting pieces 20 are positioned between a current collector 10 and a back wall 14 thereby pressing the current collector 10 toward a gas diffusion electrode 32. However, Applicant respectfully submits that there is not a disclosure of an electro-conductive path for discharging the back plate and the connecting pieces; therefore Applicant respectfully submits that no basis exists for concluding that current is discharged from the gas diffusion electrode in the Gestermann patent such as is required by the present claims.

Since the Gestermann reference does not actually disclose discharging current from a gas diffusion electrode in the manner required in accordance with the present invention, Applicant respectfully submits that all of the rejections, under 35 U.S.C. § 102(e), under 35 U.S.C. § 103(a), and the obviousness-type double patenting rejections, all fail to establish unpatentability of the presently claimed invention, notwithstanding the disclosures of the other references that have been cited with respect to other features in the Office Action.

In view of the above, reconsideration and allowance of pending claims 1 - 4 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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